

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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TAMIKO GARRIS-RIVERS,

Index No. 13cv9034 (GBD)  
(RLE)

ECF CASE

PLAINTIFF,

-against-

**Joint Statement of  
Undisputed Facts  
And Law**

THE METROPOLITAN TRANSPORTATION  
AUTHORITY, et al.,

DEFENDANTS.  
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**I. Statement of Facts**

1. Plaintiff Tamiko Garris-Rivers, is an African-American female and a resident of Suffolk County, New York.

2. Plaintiff's husband, John Rivers, is an employee of the Long Island Railroad.

3. Defendants Metropolitan Transportation Authority, and Long Island Railroad are public benefit corporations organized and existing under the laws of the State of New York.

4. Defendant Metropolitan Transportation Authority Police Department is a Police Department operated by the Metropolitan Transportation Authority.

5. Defendant Benjamin Gardner is an employee of the Long Island Railroad.

6. Defendant Jonathan Mancini is an employee of the Long Island Railroad.

7. Defendant Police Officer Michael Haggerty is an employee of the Metropolitan Transportation Authority Police Department.

8. Defendant Police Officer Matthew Reilly is an employee of the Metropolitan Transportation Authority Police Department.

9. Defendant Police Officer Robert Rau is an employee of the Metropolitan Transportation Authority Police Department.

10. Defendant Police Officer Greg Buehler is an employee of the Metropolitan Transportation Authority Police Department.

11. Defendant Police Officer Chris McDermott is an employee of the Metropolitan Transportation Authority Police Department.

12. Defendant Police Officer Jouan Olivares is an employee of the Metropolitan Transportation Authority Police Department.

13. Plaintiff filed a Notice of Claim with the office of the M.T.A. General Counsel on May 14, 2013.

14. An examination under oath of Plaintiff pursuant to New York General Municipal Law §50-H was held on September 19, 2013.

15. Plaintiff filed a Summons and Complaint commencing the instant action on December 20, 2013.

16. Defendants filed an Answer to the Complaint on January 9, 2014.

17. Plaintiff filed an Amended Complaint on May 13, 2014.

18. Defendants filed an Answer to the Amended Complaint on May 29, 2014.

19. On May 6, 2013, Plaintiff boarded the 6:04 PM eastbound Long Island Railroad train departing from Atlantic Terminal.

20. Plaintiff was intending to head home.

21. Defendant LIRR Assistant Conductor Jonathan Mancini was working on the train.

22. The spouse pass belonged to the plaintiff.

23. The spouse pass had not expired.

24. A dispute between Plaintiff and Conductor Mancini arose on the train between the train's Departure from Atlantic Terminal and its arrival into Jamaica Station.

25. While on the Platform, Plaintiff was advised that she was under arrest for theft of service and disorderly conduct, whereupon Plaintiff was handcuffed and walked to the MTA Police Precinct inside Jamaica Station.

26. The plaintiff was arrested without a warrant.

27. Defendant Robert Rau was the plaintiff's arresting officer.

28. Officers Reilly, Olivares and Haggerty were present when Officer Rau arrested the plaintiff.

29. Officers Reilly, Olivares and Haggerty participated in the plaintiff's arrest.

30. Benjamin Gardiner was present when the plaintiff's arrest occurred.

31. Defendant Robert Rau processed the plaintiff's arrest.

32. Plaintiff was placed in a holding cell before being processed and then escorted to Central booking.

33. Officer Broderick subjected the plaintiff to a search that involved physical contact with the plaintiff.

34. Officer Rau booked the plaintiff on charges of theft of services and disorderly conduct.

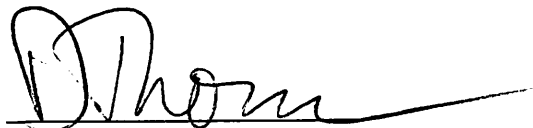
35. Sergeant McDermott approved the plaintiff's arrest and charges.

36. The following day, Plaintiff appeared before a judge and all charges were dismissed.

DATED: New York, New York

March 22, 2016

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. Horn", with a long horizontal line extending to the right.

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